

REMARKS

This Amendment is being filed in response to the Final Office Action mailed June 15, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-7 and 10-24 remain in the Application, where claims 8-9 had been canceled without prejudice, and claims 19-24 have been added by the present amendment.

By means of the present amendment, claims 1-7 and 10-18 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--. Such amendments to claims 1-7 and 10-18 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Final Office Action, the Examiner indicated that the information disclosure statement (IDS) filed August 17, 2005 fails to comply with 37 CFR 1.98(a)(2) for not supplying legible copies

of foreign patent documents and non-patent literature. In response, legible copies of EP 0743144 A2; DE 10039169 A1; and an English Abstract of JP 01-045954 are enclosed. It should be noted that the file wrapper as verified by PAIR does include a legible copy an article by Miletis entitled "Low-Pressure Ion Nitriding of AISI 304 Austenitic Stainless Steel with an Intensified Glow Discharge" on pages 25-33 of American Institute of Physics, Vol 11, No. 1, 1993. Accordingly, consideration of all the art cited in the information disclosure statement is respectfully requested.

In the Final Office Action, the Examiner objected to the drawings for allegedly not showing every feature of the invention specified in the claims, and including new matter in newly added FIG 8. Further, FIG 1 and 3 were objected to as being photographs that cannot be clearly reproduced. Without agreeing with the position forwarded in the Final Office Action and in the interest of advancing prosecution, FIG 8 has been amended as to delete the previous figure and add a new figure, and FIGs 1 and 3 have been amended for better clarity. Replacement sheets including FIGs 1, 3 and 8 are enclosed. Further, an annotated marked-up version of the

Amendment in Reply to the Notice of Abandonment of March 26, 2008
and the Final Office Action of June 15, 2007

sheet including FIG 8 is enclosed for convenience. Applicants respectfully request approval of the enclosed proposed drawing changes and withdrawal of the drawing objections.

In the Final Office Action, the Examiner objected to the Abstract for including legal phraseology. In response, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

In the Final Office Action, the Examiner objected to claim 7 for certain informalities. Without agreeing with the position forwarded in the Final Office Action and in the interest of advancing prosecution, claim 7 has been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to claim 7 is respectfully requested.

In Final the Office Action, the Examiner provisionally rejected claims 17-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over a copending Application No. 10/522,287. This rejection is also

respectfully traversed particularly in view of the present amendment to claim 17. However, it is respectfully submitted that Applicants will consider filing a terminal disclaimer, if necessary in view of any allowable claims, upon indication that the present application is otherwise allowable or includes allowable claims.

In Final the Office Action, claim 18 is rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the position forwarded in the Final Office Action and in the interest of advancing prosecution, claim 18 has been amended to remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claim 18 has been overcome and an indication as such is respectfully requested.

In the Final Office Action, claims 1, 4-7, 10, 13-14 and 16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,354,008 (Domoto) in view of JP -60-162766 (Oiwa) U.S. Patent No. 5,953,969 (Rosenhan). Further, claims 2-3 and 11-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Domoto in view of U.S. Patent No. 5,857,260 (Yamada). Claim 15 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable

over Domoto in view of U.S. Patent No. 6,584,691 (Gerasimov).
Claim 17 is rejected under 35 U.S.C. §103(a) as allegedly
unpatentable over Domoto in view of Oiwa and U.S. Patent No.
4,259,126 (Cole). Claim 18 is rejected under 35 U.S.C. §103(a) as
allegedly unpatentable over Domoto in view of Rosenhan. It is
respectfully submitted that claims 1-7 and 10-24 are patentable
over Domoto, Oiwa, Rosenhan, Yamada and Gerasimov for at least the
following reasons.

Domoto is directed to a sliding member having a sliding
surface 2 for sliding contact with a cooperative member. A
protective film 5b is deposited not only on the sliding surface 2
but also on a surface region immediately adjacent the sliding
surface 2. As correctly noted on page 6 of the Final Office
Action, last full paragraph, Domoto does not disclose or suggest
plasma nitriding all surfaces of the cutting element to form a
surface top layer of steel supersaturated with nitrogen and a
diffusion layer adjoining the top layer. Oiwa is cited in an
attempt to remedy the deficiencies in Domoto.

Oiwa is directed to an electric razor where a dense nitride

film is formed on the surface of the outer blade to improve the durability and to reduce a sliding load. The outer blade is made of Ni or stainless steel and the dense nitride film is formed on the surface of the outer blade by plasma nitriding.

It is respectfully submitted that Domoto, Oiwa, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 10 and 17 which, amongst other patentable features, recites (illustrative emphasis provided):

wherein the top layer has a substantially uniform hardness and the diffusion layer has a decreasing hardness with depth of the diffusion layer, the decreasing hardness of the diffusion layer decreasing from an outer portion of the diffusion layer toward a center of the diffusion layer.

These features are nowhere disclosed or suggested in Domoto and Oiwa, alone or in combination. Rosenhan, Yamada and Gerasimov are cited to allegedly show other features and do not remedy the deficiencies in Domoto and Oiwa.

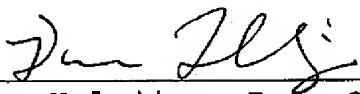
Accordingly, it is respectfully submitted that independent claims 1, 10 and 17 should be allowable. In additions, claims 2-7,

11-16 and 18-24 should be allowable at least based on their dependence from independent claims 1, 10 and 17.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Enclosure: Petition to Revive
Replacement drawing sheet (3 sheets including
FIGs 1, 3 and 8)
Annotated drawing sheet (1 sheets including FIG 1)
EP 0743144 A2
DE 10039169 A1
English Abstract of JP 01-045954

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